

REMARKS

This Amendment is in response to the Office Action mailed on February 10, 2004 in which claims 18, 21, 23, 25, and 27 were rejected. With this Amendment, claims 18, 21, 22, 25, and 26 are amended and claims 23 and 27 are cancelled without prejudice. Applicants respectfully request reconsideration of the present application in view of the foregoing amendments and in view of the reasons which follow.

I. Objection to the Drawings.

On page 2 of the Office Action, the Examiner objected to the drawings as being informal. In response, Applicants have included formal drawings along with this Amendment. Accordingly, Applicants request that the objection to the drawings be withdrawn by the Examiner.

II. Rejection of Claims 18, 21, 23, 25, and 27 Under 35 U.S.C. § 112.

On page 2 of the Office Action, the Examiner rejected claims 18, 21, 23, 25, and 27 under 35 U.S.C. § 112, second paragraph. Applicants have amended claim 18 to recite “food product portion” instead of “cheese column portion.” Antecedent basis for “food product portion” is provided in independent claim 16. Applicants have amended claim 21 to recite “when the platform has been moved the distance corresponding to the block height adjustment amount” instead of “when the rack reaches the predetermined height.” Antecedent basis for the “platform” and the “distance corresponding to the block height adjustment amount” is provided in independent claim 20. Applicants have amended claim 25 to recite “when the food product height corresponds with the predetermined food portion height” instead of “when the rack reaches the predetermined height.” Antecedent basis for the “food portion height” and the “predetermined food portion height” is provided in independent claim 24. Applicants have canceled claims 23 and 27 without prejudice. In view of the above amendments, Applicants present claims 18, 21, and 25 for reconsideration and allowance.

III. Allowed Claims and Allowable Subject Matter.

On page 3 of the Office Action, the Examiner indicated that claims 1-17, 19, 20, 22, 24, 26, 28, and 29 are allowed. Applicants thank the Examiner for the indication of allowance and have not made amendments to the allowed claims with the exception of two clarifying amendments made to claims 22 and 26. Applicants have amended claims 22 and 26 to remove the language “obtaining, via the linear transducer, a feedback signal” to resolve potential confusion with the independent claims from which claims 22 and 26 depend, each of which recites “generating, via the linear transducer, a feedback signal.” Applicants respectfully assert that claims 22 and 26, as amended, remain allowable.

On page 3 of the Office Action, the Examiner indicated that claims 18, 21, 23, 25, and 27 would be allowable once the rejections under 35 U.S.C. § 112 are overcome. In view of the amendments set forth above to address the rejections under 35 U.S.C. § 112, Applicants request allowance of claims 18, 21, and 25.

With respect to the Examiner’s Reasons for Allowance set forth on page 3 of the Office Action, Applicants agree that the claims of the present application are patentable over the prior art as construed under the plain and ordinary meaning of the language set forth in the claims. While the reasons for allowance provide some indication as to why certain claims are allowable, each of the claims is of varying scope and contains different language and may be patentable over the prior art for different for additional reasons.

CONCLUSION

Claims 1-22, 24-26, and 28-29 are pending in the present application. Claims 18, 21, 22, 25, and 26 have been amended and claims 23 and 27 have been cancelled without prejudice. Applicants believe that the present application is now in condition for allowance. Favorable reconsideration of the application, as amended, is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 06-1447. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 06-1447. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 06-1447.

Respectfully submitted,

Date

5/5/04

By



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